



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 21 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5966 0157

Mssrs. Stephen and Chad Butts
Willow Breeze Farm, LLC
5799 Route 41
Homer, New York 13077

RE: Request for Information (RFI) Pursuant to Section 308 of the Clean Water Act
Compliance Evaluation Inspection Report for CEI conducted on May 7, 2014
Willow Breeze Farm, LLC Concentrated Animal Feeding Operation (NYA000297)
Docket No. CWA-IR-14-021

Dear Mssrs. Butts:

The United States Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Clean Water Act (CWA or Act), 33 U.S.C. §§ 1251 *et seq.* Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

Willow Breeze Farm, LLC is hereby required, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), to submit to EPA documentation with accompanying photographs of the following no later than deadlines specified:

1. No later than thirty (30) calendar days of receipt of this RFI, submit documentation with accompanying photographs of the measures taken to address the Potential Violation and each of the Areas of Concern specified in the enclosed Inspection Report, including temporary measures implemented to properly Operate and Maintain the existing silage leachate collection and treatment system and an implementation schedule for the new Vegetated Treatment Area;
2. No later than thirty (30) calendar days of receipt of this RFI, submit revised Facility Maps depicting all drainage pipes, clean water diversions and material storage locations; and
3. No later than seven (7) calendar days after completion of the VTA, submit to EPA certification that the CNMP has been fully implemented by the proposed deadline, including completion of the silage leachate collection system.

All information required to be submitted by this Request for Information shall be sent by certified mail or its equivalent to the following address:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
290 Broadway, 20th Floor
New York, NY 10007-1866

Any documents to be submitted by Willow Breeze Farm, LLC must be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitted false information, including the possibility of fine and imprisonment for knowing violations.”

Failure to provide the required information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with the RFI shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Enclosed is a copy of the inspection report detailing EPA's findings from the May 7, 2014 inspection at the Willow Breeze Farm, LLC Facility.

If you have any questions regarding this Request for Information or the enclosed Inspection Report, please feel free to contact Kimberly McEathron of my staff via phone at (212) 637-4228 or via email at mceathron.kimberly@epa.gov.

Sincerely,



Douglas McKenna, Chief
Water Compliance Branch

Enclosure

cc: Joseph DiMura, P.E, Director, Bureau of Water Compliance Programs, NYSDEC
Joseph Zalewski, Regional Water Engineer, NYSDEC Region 7



United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

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|--|-------|-----------|-----------------|-----------|----------|
| Transaction Code | NPDES | yr/mo/day | Inspection Type | Inspector | Fac Type |
| 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/> 22 <input type="checkbox"/> 23 <input type="checkbox"/> 24 <input type="checkbox"/> 25 <input type="checkbox"/> 26 <input type="checkbox"/> 27 <input type="checkbox"/> 28 <input type="checkbox"/> 29 <input type="checkbox"/> 30 <input type="checkbox"/> 31 <input type="checkbox"/> 32 <input type="checkbox"/> 33 <input type="checkbox"/> 34 <input type="checkbox"/> 35 <input type="checkbox"/> 36 <input type="checkbox"/> 37 <input type="checkbox"/> 38 <input type="checkbox"/> 39 <input type="checkbox"/> 40 <input type="checkbox"/> 41 <input type="checkbox"/> 42 <input type="checkbox"/> 43 <input type="checkbox"/> 44 <input type="checkbox"/> 45 <input type="checkbox"/> 46 <input type="checkbox"/> 47 <input type="checkbox"/> 48 <input type="checkbox"/> 49 <input type="checkbox"/> 50 <input type="checkbox"/> 51 <input type="checkbox"/> 52 <input type="checkbox"/> 53 <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56 <input type="checkbox"/> 57 <input type="checkbox"/> 58 <input type="checkbox"/> 59 <input type="checkbox"/> 60 <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 64 <input type="checkbox"/> 65 <input type="checkbox"/> 66 <input type="checkbox"/> 67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/> | | | | | |
| Remarks | | | | | |

Section B: Facility Data

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|--|--|------------------------|
| Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) | Entry Time/Date | Permit Effective Date |
| Willow Breeze Farm, LLC 5799 Route 41 Homer, NY 13017 | 9:00 AM 05/07/2014 | |
| Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) | Exit Time/Date | Permit Expiration Date |
| Chad and Stephen Butts, Owners Willow Breeze Farm, LLC 607-423-7280 | 12:10 PM 05/07/2014 | |
| Name, Address of Responsible Official/Title/Phone and Fax Number | Other Facility Data (e.g., SIC NAICS, and other descriptive information) | |
| Same as above | SIC 0241 | |
| Contacted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

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|--|--|--|------------------------------|
| <input checked="" type="checkbox"/> Permit | <input type="checkbox"/> Self-Monitoring Program | <input type="checkbox"/> Pretreatment | <input type="checkbox"/> MS4 |
| <input checked="" type="checkbox"/> Records/Reports | <input type="checkbox"/> Compliance Schedules | <input type="checkbox"/> Pollution Prevention | |
| <input checked="" type="checkbox"/> Facility Site Review | <input type="checkbox"/> Laboratory | <input checked="" type="checkbox"/> Storm Water | |
| <input type="checkbox"/> Effluent/Receiving Waters | <input checked="" type="checkbox"/> Operations & Maintenance | <input type="checkbox"/> Combined Sewer Overflow | |
| <input type="checkbox"/> Flow Measurement | <input type="checkbox"/> Sludge Handling/Disposal | <input type="checkbox"/> Sanitary Sewer Overflow | |

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

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|--|-----------------------|
| SEV Codes | SEV Description |
| <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | see inspection report |
| <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | |
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|--|-------------------------------------|----------|
| Name(s) and Signature(s) of Inspector(s) | Agency/Office/Phone and Fax Numbers | Date |
| Kimberly McEathron | USEPA/DECA-WCB 212-637-4228 | 7/2/2014 |
| Signature of Management O A Reviewer | Agency/Office/Phone and Fax Numbers | Date |
| | USEPA/212-637-4228 | 7/6/14 |

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2, DECA-WCB
20th Floor, 290 Broadway, NY, NY 10007

CAFO COMPLIANCE INSPECTION REPORT

| | |
|---|--|
| Inspection Date: May 7, 2014 | Inspector: Kimberly McEathron, Physical Scientist, USEPA, Region 2, (212) 637-4228 |
| Inspection Time: 9:00 AM – 12:10 PM | |
| Inspection Type: Compliance Evaluation Inspection | |
| On-Site Representatives: Chad Butts, Owner, Willow Breeze Farm, LLC, (607) 423-7280; Stephen Butts, Owner, Willow Breeze Farm, LLC, (607) 746-4650; and Paul Murphy, CAFO Planner, Farm Compliance Services, (315) 427-4947 | |
| Other Attendees: Christy Arvizu, Environmental Scientist, USEPA, Region 2, (212) 637-3961; Russell Smith, Cortland County Soil and Water Conservation District, (607) 756-5991; and Julie Melancon, NYSDEC Region 7, (315) 426-7418 | |
| Site Information: | Willow Breeze Farm, LLC 5799 Route 41 Homer, New York 13077 NPDES/ICIS No. NYA000297 |
| SIC Code: | 0241, Dairy Farms |
| Attachments: | EPA Form 3560-3 and New York State Department of Environmental Conservation, Division of Water, <u>CAFO Facility Inspection Report</u> , Version 1.0 – 3/15/06 |

INTRODUCTION:

On May 7, 2014, the United States Environmental Protection Agency (EPA) conducted a Federal lead compliance evaluation inspection at Willow Breeze Farm, LLC (“Facility” or “Willow Breeze Farm”) located in Homer, New York in Cortland County. The inspection team consisted of Kimberly McEathron and Christy Arvizu of EPA’s Division of Enforcement and Compliance Assistance, Water Compliance Branch (DECA-WCB) and Julie Melancon of the New York State Department of Environmental Conservation (NYSDEC). Chad and Stephen Butts, the owners, represented the Facility. Also present was the Facility’s Nutrient Management Planner, Paul Murphy of the Farm Compliance Services (FCS). Weather conditions at the time of the inspection and in the previous twenty-four hours were dry and approximately 60 degrees Fahrenheit.

The inspection was performed to determine the Facility’s compliance with the requirements and limitations of 40 C.F.R. 122.42(e) as well as NYSDEC’s State Pollutant Discharge Elimination System (SPDES) General Permit for Concentrated Animal Feeding Operations (CAFOs) No. GP-04-02.

INSPECTION PROCEDURE:

Upon arrival at the Facility, EPA Inspector McEathron presented credentials to Mr. Chad Butts, one of the owners of the Facility. While on-site, EPA Inspector McEathron conducted an opening conference with Mr. Chad Butts, conducted a field inspection and took photographs of areas of concern at the Facility and surrounding areas. At the conclusion of the inspection, a closing conference was held with Mr. Chad and Stephen Butts to discuss the findings and observations of the inspection. EPA Inspector McEathron conducted the inspection in accordance with the procedures described in the "Routine Bio-Security Procedures for EPA Personnel Visiting Farms."

FINDINGS & OBSERVATIONS:

Facility Description:

On January 13, 2000, Willow Breeze Farm obtained coverage under the NYSDEC CAFO General Permit (NYA000297). When the NYSDEC CAFO General Permit was re-issued on June 24, 2004 with an effective date of July 1, 2004, Willow Breeze Farm's permit coverage was automatically renewed.

Willow Breeze Farm consists of a Main Facility located at 5799 Route 41 in Homer, New York, and a Heifer Facility (also known as "Chad's Farm") located at 5560 Route 41 in Homer, New York. Production area runoff from the Main Facility flows west to adjacent fields via drainage ditches and surface runoff. The Factory Brook, a tributary to the West Branch of Tioughnioga River, is located approximately 1,000 feet west of the Main Facility production area through the adjacent fields. Production area runoff from the Heifer Facility flow west and south to adjacent field via surface runoff. The Factory Brook is located approximately 100 feet south of the production area. Production area discharges from the Heifer Facility would discharge from an unpaved driveway that extends from the Facility south to a crop field and crosses over the Factory Brook. The Tioughnioga River is within the Chesapeake Bay watershed.

According to Mr. Chad Butts and the Facility's records, at the time of the inspection, there were approximately 460 mature dairy cows and 365 heifers and calves on-site at the two (2) locations (Main Facility and Heifer Facility/Chad's Farm). The Facility is considered to be a medium CAFO as the number of mature dairy cows fell within the medium dairy CAFO range of 200-699 mature dairy cows.

The Main Facility consists of four (4) barns (Dry Cow Barn, Freestall Barns 1 and 2 and Heifer Barn) and a Milking Parlor. There are three (3) manure storage structures at the Main Facility (Old Barn, New Barn and "L" Shaped Manure Pits), a solid pack loading area and one (1) bunk silo (Bunk Silo). The Heifer Facility/Chad's Farm houses approximately fifty (50) heifers and consists of two (2) barns (Heifer/Yearlings and Heifer Barns) and a solid bedded pack manure storage and loading area.

Comprehensive Nutrient Management Plan (CNMP):

Section VII.A of the NYSDEC CAFO General Permit requires each CAFO to develop and implement a CNMP in accordance with Natural Resources Conservation Service (NRCS) Conservation Practice Standard No. NY312, and good agricultural practices, and should include measures necessary to

prevent pollutants in runoff. Willow Breeze Farm's CNMP was prepared by Farm Compliance Services (FCS) and was reviewed on-site.

Section VII.C of the NYSDEC CAFO General Permit requires Medium CAFOs to have all CNMP practices fully operational by June 30, 2009. At the time of the inspection, the CNMP was not fully implemented. According to on-site representatives, the remaining CNMP practices to be implemented include the replacement of the existing Vegetated Treatment Area (VTA) and the construction of an additional manure storage structure. The existing VTA which was constructed in 2005 in accordance with the existing NRCS standards does not meet the revised 2009 NRCS standards and is not a CNMP practice in response to a high risk condition. According to the Facility's 2013 Appendix D, the new VTA is scheduled to be completed by September 1, 2014. According to Facility representatives, the new VTA will not be completed by September 1, 2014 due to the additional requirement to replace the soil or move the location of the VTA. The VTA soils are classified as very high phosphorus and high nitrogen soils. The additional manure storage structure to be installed at the Main Facility is a 2.6 million gallon storage (approximately 6 months), is not in response to high risk conditions and is 150 feet by 180 feet by 13 feet deep. The design was completed by Jessica Skinner, P.E. in February 2014. According to the Facility representatives, funding has been acquired and the installation will be completed by the September 1, 2014 deadline as specified in the Facility's 2013 Appendix D.

"NRCS Conservation Practice Standard No. NY590 (Nutrient Management)" states that documentation of the actual rate at which nutrients were applied should be retained as part of the Facility's operations and maintenance. According to the CNMP at the time of the inspection, there are six (6) fields, including the Vegetated Treatment Area (VTA) with a very high Phosphorus Index score and the CNMP states that no manure or fertilizer is to be applied to these fields. According to the CNMP, there are no fields with a very high Nitrogen Leaching Index score. There are forty-two (42) fields with high Nitrogen Leaching Index scores, including the VTA, and have adjusted practices such as rye cover crops.

EPA inspector McEathron reviewed manure application records that were maintained by the Facility on-site from 2011 to present (May 2014). According to Facility representatives, manure application records prior to 2011 are maintained on a prior version of the computer software and were not accessible on-site at the time of the inspection. Manure application records were documented and maintained in handwritten forms that are filled out ahead of time and given to the manure spreaders then the spreading information is entered into the computer with information such as field name, acres, manure source, spreader used, number of loads applied and application date. According to Mr. Butts, this process has been used to apply manure for over five (5) years. According to manure application records reviewed by EPA Inspector McEathron for Fields CH1, CH2, CH3, DO5, GU2, HI2, HO1, BU1, BU3, CH4, and HP1, manure was applied in accordance with the CNMP recommendations for crop year 2013.

Recordkeeping:

Section IX.F of the NYSDEC CAFO General Permit requires the permittee to retain copies of all records and reports required by the permit for a period of at least five (5) years from the date reported.

The NYSDEC CAFO General Permit requires the following records and reports of all permittees (the Facility has been a permitted CAFO since January 13, 2000, therefore at the time of the inspection records from May 7, 2009 through May 7, 2014 were required):

1. CNMP Certification (Section VII.B of the Permit). The Facility provided copies of its CNMP Certifications (Appendix B) completed and signed dated June 22, 2004.
2. On-Site Rain Gauge (Section IX.K of the Permit). The Facility has a rain gauge on-site located at the Heifer Facility/Chad's Farm. The Facility provided documentation of rain events from 2008 to present (April 2014) with the exception of January through March of each year when, according to the Facility representative, the rain gauge is brought inside during the winter months.
3. Annual Compliance Reports (Section IX.L of the Permit). The Facility provided copies of its Annual Compliance Reports (Appendix D) for 2009 to 2013.
4. Soil test data (Section VII.A of the Permit). Willow Breeze Farm provided a summary of soil test data and actual soil test results for samples taken since 2011 in their CNMP. Soil test results for fields that manure is spread to are less than or around three (3) years old with the oldest samples tested on November 4, 2011. According to Facility representatives, the fields sampled in 2011 will be sampled in the fall 2014.
5. Manure analysis (Section VII.A of the Permit). Manure analysis test results were available for review on-site. Willow Breeze Farm sampled the five (5) sources on April 3, 2013 ("L" Shaped Pit, Old Barn, New Barn, Dry Cow Solids and Heifer Facility Solids).
6. Emergency Action Plan (Section VIII.C.xii). EPA inspector McEathron reviewed the Facility's Emergency Action Plans (EAPs) that the Facility maintains for each of the two (2) locations dated January 2014 to April 2015. The EAPs include spill response procedures, Operation and Maintenance procedures, notification and contact information, and other procedures that the Facility should be prepared to implement in the event of an emergency. Mr. Butts stated that all employees who spread manure are aware of the EAP and the EAPs are maintained in the office and in the spreading tractors. The EAP also included four (4) fields to spread during adverse weather conditions.
7. Manure, litter and/or process wastewater export records (Section VIII.C.xiii of the Permit). According to Mr. Butts and Facility documentation, the Facility exports and documents manure exports and provides the nutrient content to recipients but does not export greater than 50 tons annually to any one (1) recipient.
8. The Facility documents weekly inspections of manure depth levels, fencing conditions and the operation and maintenance of each manure storage structure from 2009 to present (May 2014).

Clean Water:

Section VI.A of the NYSDEC CAFO General Permit generally prohibits the discharge of process wastewater from CAFOs to waters of the State. Section VII.A of the NYSDEC CAFO General Permit states that CNMPs are required to be prepared in accordance with "NRCS Conservation Practice Standard No. NY312" which requires that clean water be excluded from concentrated waste areas to the fullest extent practical. Section VIII.C.v of the NYSDEC CAFO General Permit states that animals confined in the animal feeding operation must be prevented from coming into contact with the surface waters of the State.

Main Facility

EPA inspector McEathron observed that the concrete walkways between the Milking Parlor and the Heifer Barn and Freestall Barn 1 was curbed and fenced. EPA inspector McEathron did not observe roof gutters on the barns at the Main Facility. EPA inspector McEathron observed a drainage pipe located south of the Heifer Barn which discharges roof runoff from a drip trench along the west side of the Milking Parlor to an adjacent field as depicted of the Facility map.

EPA inspector McEathron observed that stormwater can come into contact with manure and feed at the Main Facility as described in paragraph 3 of the Areas of Concern section of this report. Stormwater runoff from these locations at the Main Facility flows west to adjacent fields via drainage ditches and surface runoff.

Heifer Facility/Chad's Farm

EPA inspector McEathron did not observe roof gutters on the barns, drainage pipes or ditches at the Heifer Facility. EPA inspector McEathron observed that stormwater can come into contact with manure on the concrete bedded pack storage area. Stormwater that comes into the contact with the bedded pack storage generally pools in place. Production area runoff from the Heifer Facility flow west and south to adjacent field via surface runoff. The Factory Brook is located approximately 100 feet south of the production area. Production area discharges from the Heifer Facility would discharge from an unpaved driveway that extends from the Facility south to a crop field and crosses over the Factory Brook.

Silage/Feed/Commodities Storage:

Section VIII.C.xi of the NYSDEC CAFO General Permit states that “[c]ollection, storage, and disposal of liquid and solid waste should be managed in accordance with NRCS standards.” NRCS Conservation Practice Standard No. 312 “Waste Management System” states that “waste” includes polluted runoff such as that from a barnyard or silo, and that all farms with silage will address silage leachate control. In addition, NRCS Conservation Practice Standard No. 635 “Vegetated Treatment Area” specifies general criteria applicable to all vegetated treatment areas as well as additional criteria for treatment of bunk silo leachate. Section X.G of the NYSDEC CAFO General Permit requires the permittee to, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with this permit.

At the Main Facility, feed (corn silage and haylage) is stored in the Bunk Silo with a silage leachate collection, distribution and treatment system. According to the Facility representatives, the Bunk Silo and silage leachate collection system was installed in 2005 by the Cortland County Soil and Water Conservation District (SWCD). The Bunk Silo is 235 feet by 189 feet and approximately 12 feet high. The Bunk Silo has a 300,000 cubic feet storage capacity.

Low flow from Bunk Silo is designed to flow through a screen and into a 2,000 gallon underground collection tank located on the northwest end of the bunk silo and is then mixed with manure for land application. High flow from the Bunk Silo is designed to flow northwest through a screen and then

north to a level lip spreader and then to the Vegetated Treatment Area (VTA). The VTA was designed by Andy Breese of the Cortland County SWCD and was certified by NRCS in May 2005. An Operation and Maintenance (O&M) Plan for the collection system and VTA is included in the CNMP. EPA inspector McEathron observed that material stored in the Bunk Silo was covered with a tarps and tires at the time of the inspection.

At the time of the inspection, EPA inspector McEathron observed dead vegetation and pooling high flow silage leachate in the VTA extending north through the VTA.

The Facility uses Ag Bags to store dry corn north of the Main Facility. At the time of the inspection, EPA inspector McEathron did not observe corn exposed to stormwater at this location and did not observe leachate or liquids coming from the Ag Bags.

Waste Storage Facilities and Manure Transfer:

Section VIII.C.xi of the NYSDEC CAFO General Permit states that “[c]ollection, storage, and disposal of liquid and solid waste should be managed in accordance with NRCS standards.” NRCS Conservation Practice Standard No. 313 “Waste Storage Facility” specifies general criteria applicable to all waste storage facilities as well as additional criteria for waste storage ponds. Section VIII.C.viii of the NYSDEC CAFO General Permit states that “[s]olids, sludges, manure or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent pollutants from being discharged to waters of the State.” In addition, Section X.G of the NYSDEC CAFO General Permit requires the permittee to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with this permit.

Main Facility

The “L” Shaped Manure Pit is a concrete structure located along the northwest and southwest ends of the Heifer Barn and is 16.15 feet wide by 79.1 feet long and 23.6 feet wide by 91.05 feet long. The structure was constructed in 2012, has a 27,865 cubic feet storage capacity and has approximately thirty (30) day storage period. The As-Built for the “L” Shaped Pit was signed by Don Lynch, P.E. on December 10, 2012. The Facility’s CNMP contains an Operation and Maintenance (O&M) Plan for the structure. According to the Facility representative, the manure is agitated in the Old Barn Manure Pit to assist in the removal of solids. The “L” Shaped Pit receives Milking Parlor waste, sand bedding, stormwater and manure from walkways and manure from the Heifer Barn. According to the Facility representative, a skid steer is three (3) times a day to scrape manure directly into the “L” Shaped Pit from the Heifer Barn. Milking Parlor waste is transferred via underground piping to the “L” Shaped Pit.

EPA inspector McEathron inspected the “L” Shaped Pit and observed that the manure storage structure was fenced, had warning signs and a maximum fill marker. EPA also observed that the manure level in the structure was below the maximum fill marker and approximately 2.5 feet deep.

The Old Barn Manure Pit is a rectangular concrete structure located west of Freestall Barn 2 (also known as the “Old Barn”) and is 18 feet wide by 42 feet long plus the length of the concrete ramp. The

structure was constructed in 2006, has a 4,091 cubic feet storage capacity and has approximately two (2) week storage period. The As-Built for the Old Barn Manure Pit was signed by Don Lynch, P.E. in November 2006. The Facility's CNMP contains an O&M Plan for the structure. According to the Facility representative, the manure is agitated in the Old Barn Manure Pit to assist in the removal of solids. The Old Barn Manure Pit receives sand bedding and manure from Freestall Barn 2. According to the Facility representative, a skid steer is used three (3) times a day to push manure directly into the Old Barn Manure Pit from Freestall Barn 2.

EPA inspector McEathron inspected the Old Barn Manure Pit and observed that the manure storage structure was fenced, had warning signs and a maximum fill marker. EPA also observed that the manure level in the structure was below the maximum fill marker and approximately three (3) feet deep.

The New Barn Manure Pit is a rectangular concrete structure located east of Freestall Barn 1 (also known as the "New Barn") and is 16 feet wide by 90 feet long by 9 feet deep. The structure was constructed in 2010, has 48,470 gallon storage capacity and has approximately one (1) week storage period. The As-Built for the New Barn Manure Pit was signed by Jessica Skinner, P.E. in July 2010. The As-Built contains an O&M plan which calls for a minimum of monthly manure storage structure inspections. According to the Facility representative, the manure is agitated in the Old Barn Manure Pit to assist in the removal of solids. The New Barn Manure Pit receives sand bedding and manure from Freestall Barn 1. According to the Facility representative, a skid steer is used three (3) times a day to scrape manure to the New Barn Manure Pit.

EPA inspector McEathron inspected the New Barn Manure Pit and observed that the manure storage structure was fenced, had warning signs and a maximum fill marker. EPA also observed that the manure level in the structure was below the maximum fill marker and was approximately 4.75 feet deep at the time of the inspection.

Dry solid pack manure from the Dry Cow Barn is stored on a concrete pad located along the southwestern end of the Dry Cow Barn and is daily spread. At the time of the inspection, EPA inspector McEathron observed that the dry solid pack manure was located within the unroofed curbed concrete storage pad and did not observe manure extending beyond the storage and into the loading ramp.

Heifer Facility/Chad's Farm

Dry solid pack manure from the two (2) bedded pack barns is stored on a concrete pad located south of the barns and according to the Facility representatives is cleaned three (3) times per year. At the time of the inspection, EPA inspector McEathron observed that the dry solid pack manure was located within the unroofed walled concrete storage pad and did not observed manure extending beyond the storage structure.

Other Wastes:

Section VIII.C.x of the NYSDEC CAFO General Permit requires that dead animals shall be properly disposed of within three (3) days and in a manner to prevent contamination of waters of the State or

creation of a public health hazard. Mortalities are collected by a renderer on a daily basis. According to on-site representatives, spoiled silage and feed are land applied.

CONCLUSIONS:

Potential Violation

1. Section X.G of the CAFO General Permit requires the permittee to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the permit. At the time of the inspection, inadequate operation and maintenance was observed at the following locations:
 - a. Dead vegetation in the Vegetated Treatment Area (VTA) on the west side of the level lip spreader (see photograph RIMG0003.JPG); and
 - b. Pooling high flow silage leachate in the VTA extending north through the VTA (see photograph RIMG0004.JPG).

Areas of Concern

1. The Facility maps in the CNMP did not depict all stormwater diversion structures, manure storage and material storage locations, including, but not limited to, the following items:
 - a. New Barn Manure Storage Structure;
 - b. Ag Bag storage location; and
 - c. Drip trench and subsurface drainage along the northwest side of the Heifer Barn at the Main Facility.
2. Section VII.A of the CAFO General Permit states Comprehensive Nutrient Management Plans (CNMPs) are required to be prepared in accordance with “NRCS Conservation Practice Standard No. NY312”. NY312 states that clean water shall be excluded from concentrated waste areas to the fullest extent practical. At 40 C.F.R. 122.42(e), the Federal CAFO Rule also specifies what a Nutrient Management Plan (NMP) must address, at a minimum. Specifically, NMPs should ensure that clean water is diverted, as appropriate, from the production area (see 40 C.F.R. 122.42(e)(iii)). At the time of the inspection, EPA inspector McEathron observed concentrated waste areas and production areas exposed to stormwater. Stormwater runoff from these locations flows to adjacent fields or into a waste storage facility. The Facility should ensure that these locations are operated and maintained to prevent and eliminate pollutants from being carried via stormwater from the production area off-site:
 - a. Manure exposed to stormwater on the concrete manure loading area extending beyond the concrete curb along the southwest side of the Freestall Barn 1 at the Main Facility (see photograph RIMG0013.JPG);
 - b. Manure exposed to stormwater adjacent to the New Barn Manure Pit where manure is pumped and agitated at the Main Facility (see photograph RIMG0015.JPG);
 - c. Manure and feed exposed to stormwater at the northeast end of Freestall Barn 1 at the Main Facility (see photograph RIMG0020.JPG);

- d. Manure and feed exposed to stormwater at the approximately fifty (50) calf hutches located southeast of the Dry Cow Barn at the Main Facility (see photograph RIMG0015.JPG); and
 - e. Manure exposed to stormwater at an uncurbed portion of the cattle walkway just north of the Freestall Barn 1 where stormwater can run on and through manure on the walkway to a vegetated area where erosion was observed at the Main Facility (see photographs RIMG0019.JPG – RIMG0021.JPG).
3. Section VII.C of the NYSDEC CAFO General Permit requires Medium CAFOs to have all CNMP practices fully operational by June 30, 2009. At the time of the inspection, the CNMP was not fully implemented. According to on-site representatives, the remaining CNMP practices to be implemented include the replacement of the existing Vegetated Treatment Area (VTA) and the construction of an additional manure storage structure:
- a. The existing VTA which was constructed in 2005 in accordance with the existing NRCS standards does not meet the revised 2009 NRCS standards and is not a CNMP practice in response to a high risk condition. According to the Facility's 2013 Appendix D, the new VTA is scheduled to be completed by September 1, 2014. According to Facility representatives, the new VTA will not be completed by September 1, 2014 due to the additional requirement to replace the soil or move the location of the VTA. The VTA soils are classified as very high phosphorus and high nitrogen soils.
 - b. The additional manure storage structure to be installed at the Main Facility is a 2.6 million gallon storage (approximately 6 months), is not in response to high risk conditions and is 150 feet by 180 feet by 13 feet deep. The design was completed by Jessica Skinner, P.E. in February 2014. According to the Facility representatives, funding has been acquired and the installation will be completed by the September 1, 2014 deadline as specified in the Facility's 2013 Appendix D.
4. At the time of the inspection, EPA observed an unpaved driveway at the Heifer Facility/Chad's Farm that extends from the bedded pack manure storage structure approximately 100 feet south over the Factory Brook to an adjacent field (see photograph RIMG0024.JPG). The permittee should ensure that the banks of the Factory Brook remain vegetated and that the manure storage continue to be properly operated and maintained to prevent pollutants from travelling from the storage to the Factory Brook.
5. At the time of the inspection, there was some uncertainty regarding the location of the actual Old Barn Manure Pit As-Built. The material provided at the time of the inspection may be a design and As-Built for another structure and not what was actually installed at the Old Barn. The permittee should follow up with the NRCS and professional engineers to ensure that the Facility has on-site As-Built for all manure storage structures.



RIMG0003.JPG – Dead vegetation in the VTA on the west side of the level lip spreader



RIMG0004.JPG – Pooling high flow silage leachate in the VTA extending north



RIMG0013.JPG – Manure along the southwest side of the Freestall Barn 1



RIMG0014.JPG – Adjacent field west of the Main Facility where stormwater runoff is directed



RIMG0015.JPG – Manure exposed to stormwater adjacent to the New Barn Manure Pit



RIMG0015.JPG – Manure and feed exposed to stormwater at the calf hutches



RIMG0019.JPG – Erosion channel observed in vegetation downhill from walkway



RIMG0020.JPG–Manure and feed exposed to stormwater at the northeast end of Freestall Barn 1



RIMG0021.JPG – Manure exposed to stormwater at an uncurbed portion of the cattle walkway just north of the Freestall Barn 1



RIMG0024.JPG – Vegetated banks of the Factory Brook, south of the Heifer Facility



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CAFO FACILITY INSPECTION REPORT
Version 1.0 - 3/15/06

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INSPECTOR FOR THE PERMITTEE

Facility Name: Willow Breeze Farm, LLC SPDES: NYA000297 Date: 5/7/2014

I. INSPECTION INFORMATION

| | | | | |
|---|--|---|-----------------------------------|------------------------------------|
| Purpose of Inspection (Check any appropriate box): <input type="checkbox"/> Reconnaissance (page 1 only) <input checked="" type="checkbox"/> Comprehensive <input type="checkbox"/> Complaint Response | | DEC Region <u>7</u> | Date <u>5/7/14</u> | Time <u>9:00 AM</u> |
| Inspector Name: <u>Kimberly McEathron</u> | | Inspector Signature: <u>[Signature]</u> | | |
| Owner/Operator Representative: <u>Chad Butts</u> | | Representative Title: <u>Owner</u> | | |
| Street/Rte. No.: <u>5799 Rte. 41</u> C/TN: <u>Homer</u> | | County: <u>Cortland</u> | Phone Number: <u>607-423-7280</u> | |
| Other Inspection Attendees, Affiliations, Phone Numbers: <u>Stephen Butts, Owner, Willow Breeze Farm, LLC, 607-746-4650</u> <u>Paul Murphy, owner, CAFO Planner, FCS, 315-427-4947</u> <u>Christy Annzu, USEPA, 212-637-3961</u> <u>Russell Smith, Cortland County SWCD, 607-756-5991</u> <u>Julie Melancon, NYSDEC Region 7, 315-426-7418</u> | | | | |
| 1. Present Weather Conditions: <u>Dry and ~60°F</u> | | 2. Weather Previous 24 Hours: <u>Dry and ~60°F</u> | | 3. Other Notable Weather Concerns: |
| 4. Permitted Facility <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no complete and attach determination worksheet) | | | | |
| Items | | Comments | | |
| 5a. Comprehensive Nutrient Management Plan | | | | |
| 5b. Emergency Action Plan | | | | |
| 5c. Monitoring and Reporting | | | | |
| 6. Barnyard Runoff Management | | | | |
| 7. Silage/Feed/Commodities Storage | | | | |
| 8. Waste Storage Facilities and Manure Transfer | | | | |
| 9. Wastewater Treatment Strip | | | | |
| 10. Best Management Practice Implementation | | | | |
| 11. Waste Treatment Systems | | | | |
| 12. COMMENTS/DESCRIPTION | | | | |
| Overall Facility Rating: | | | | |



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Facility Name: Willow Breeze Farm, LLC SPDES: NYA000297 Date: 5/7/2014

II. GENERAL INFORMATION

1. Surface water(s) which would receive production area discharges: Factory Brook
2. Watershed(s): (CBP, NYC, Lk Champlain, etc.) West Branch Toughnioga River to Chesapeake Bay
3. Is there analytical data from the farm well(s) indicating contamination? ☐ Yes ☒ No
4. Type(s) and numbers of animals currently managed: 460 mature dairy cows, 365 heifers
- 5a. Type of Operation: ☒ Year Round ☐ Seasonal
- 5b. Type of Operation: ☐ Open Lot ☒ Partially Exposed ☐ Fully Roofed
barnyard/laneways
6. Are human wastes being mixed or stored with manure or process wastewater? ☐ Yes ☒ No
septic
7. Are additional nutrients imported? (Excl: commercial/chemical fertilizer) ☐ Yes ☒ No
If "Yes", what types and amounts?
8. Are nutrients being exported? Exported but not > 50 tons/year/recipient ☒ Yes ☐ No
9. If the volume of manure, litter, or process wastewater exported exceeds 50 tons annually to any one recipient have the entity, dates, amounts, and address of recipient, been documented in the CNMP? ☐ Yes ☐ No N/A
10. Have all waste recipients been provided with the nutrient content of the manure? ☒ Yes ☐ No
11. Are all waste storage facilities mapped and included in the CNMP? ☐ Yes ☒ No
New Barn Manure Pit not on map (on aerial)



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Facility Name: Willow Breeze, LLC SPDES: NYA000297 Date: 5/7/2014

III. COMPREHENSIVE NUTRIENT MANAGEMENT PLAN (CNMP)

1. Has CNMP been completed and is it available onsite? ☒ Yes ☐ No
2. Is the CNMP certification / Appendix B (completed and signed) available onsite? ☒ Yes ☐ No
3. Are the annual compliance reports / Appendix D (completed and signed) available onsite? 6/22/2004
☒ Yes ☐ No
4. Are field data/nutrient application (e.g. Cropware Output) sheets available? 2009-2013
☒ Yes ☐ No
5. Are soil test results less than 3 years old? oldest 11/4/2011
☒ Yes ☐ No
6. Have manure nutrient analyses been completed in the ~~past year~~ (large) or past 2 years? (medium) 5 sources sampled on 4/3/2013
☒ Yes ☐ No
7. Are fields with very high P Index scores scheduled to receive or receiving additional manure or P-fertilizer?
No manure/fertilizer added to 6 very high fields. ☐ Yes ☒ No
8. Do fields with very high N Index scores have adjusted practice recommendations (e.g. cover crops, timing of application)?
No very high ☐ Yes ☐ No N/A
9. Are field spreading setbacks recorded for wells and streams (perennial and intermittent)? ☒ Yes ☐ No
10. Are manure applications being recorded and tallied by individual field or management unit? ☒ Yes ☐ No
11. Is field spreading in general accord with recommendations? ☒ Yes ☐ No
12. Does the CNMP identify fields to spread during adverse weather conditions? For fields CH1, CH2, CH3, DOS, GU2, H12, H01, BUI, BU3, CH4, HPI ☒ Yes ☐ No
in 2013 CY
13. Identify any new animal housing or manure storage structures added since last inspection:
None
14. Are these new structures recorded in the CNMP? ☐ Yes ☐ No N/A
15. Was the CNMP updated for facility expansion as necessary (e.g. herd or flock increases of $\geq 20\%$)? ☐ Yes ☐ No N/A
16. Is an emergency action plan available? ☒ Yes ☐ No
17. If "Yes", has it been communicated to employees? (ex: posted in appropriate languages) ☒ Yes ☐ No
Communicated to spreaders, not posted
18. Has the CNMP been fully implemented? ☐ Yes ☒ No

If "No," provide current status:

 1. Replace existing VTA has not been completed
 2. Install new 2.6 million gallon manure Storage Structure not completed

Overall Rating:



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Facility Name: Willow Breeze Farm, LLC SPDES: NYAC000297 Date: 5/7/2014

IV. STORMWATER RUNOFF MANAGEMENT

Complete one Section IV. for Each Farmstead (Use Multiple Sheets if Necessary)

Farmstead Name / Identifier: Main Facility

1. Is there evidence of runoff discharged directly to a surface water?

☐ Yes ☒ No

If "Yes," describe pipe(s) or channel(s), show location(s) on the map, and indicate if contaminated or potentially contaminated:

2. Farmstead Runoff Management System Includes: ☒ Runoff to Waste Storage

☐ Solids Sedimentation System

☐ Wastewater Treatment Strip

☒ Direct Flows to Remote Field

☐ Other

3. Does clean water come into contact with the production area?

☒ Yes ☐ No

Walkway, barnyard, calf hutches, manure loading

4. Do roof drains segregate clean rainwater from contaminated runoff?

☐ Yes ☒ No

5. Does a watercourse flow through the production area?

☐ Yes ☒ No

6. If "Yes", have livestock been completely fenced out of production area watercourses?

☐ Yes ☐ No N/A

7. Describe any deficiencies (e.g. operation and maintenance) and the various stages of implementation:

Overall Rating:

V. OTHER WASTES

1. Are milking center wastes co-disposed with manure?

to "L" shaped manure pit

☒ Yes ☐ No

2. If "No", describe the method or system for disposal/treatment:

3. Are procedures for handling and disposal of dead animals sufficient?

☒ Yes ☐ No

Rendering

4. How is the spoiled silage/feed/commodities handled?

Land applied

5. Describe any deficiencies and the various stages of implementation:

Overall Rating:



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Facility Name: Willow Breeze Farm, LLC SPDES: NYA000297 Date: 5/7/2014

IV. STORMWATER RUNOFF MANAGEMENT

Complete one Section IV. for Each Farmstead (Use Multiple Sheets If Necessary)

Farmstead Name / Identifier: Heifer Facility / Chad's House

1. Is there evidence of runoff discharged directly to a surface water?

☐ Yes ☒ No

If "Yes," describe pipe(s) or channel(s), show location(s) on the map, and indicate if contaminated or potentially contaminated:

2. Farmstead Runoff Management System Includes:

☐ Runoff to Waste Storage

☐ Solids Sedimentation System

☐ Wastewater Treatment Strip

☒ Direct Flows to Remote Field

☐ Other

3. Does clean water come into contact with the production area?

☒ Yes ☐ No

4. Do roof drains segregate clean rainwater from contaminated runoff?

☐ Yes ☒ No

5. Does a watercourse flow through the production area?

☐ Yes ☒ No

6. If "Yes", have livestock been completely fenced out of production area watercourses?

☐ Yes ☐ No N/A

7. Describe any deficiencies (e.g. operation and maintenance) and the various stages of implementation:

Overall Rating:

V. OTHER WASTES

1. Are milking center wastes co-disposed with manure?

☐ Yes ☐ No N/A

2. If "No", describe the method or system for disposal/treatment:

3. Are procedures for handling and disposal of dead animals sufficient?

☐ Yes ☐ No N/A

4. How is the spoiled silage/feed/commodities handled?

5. Describe any deficiencies and the various stages of implementation:

Overall Rating



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Facility Name: Willow Breeze Farm, LLC

SPDES: NYA000297

Date: 5/7/2014

VI. SILAGE/FEED/COMMODITIES STORAGE

Complete Section VI. for Each Silage/Feed/Commodities Storage Area (Use Multiple Sheets If Necessary)

Storage Area Name / Identifier: Bunk Silo

1. Describe the material(s), method(s) and approximate storage capacity:

300,000 ft³ Haylage and corn silage
installed 2005 by SWCO

2. Are adequate measures taken to exclude precipitation/groundwater?

☒ Yes ☐ No

3. If "No", describe:

tarps and tires

4. Leachate/Runoff Management includes:

☐ Runoff to Waste Storage

☐ Solids Separation System

☒ High/Low Flow Separator

☒ Wastewater Treatment Strip

☐ Direct Flows to Field

☐ Other

5. Are Ag Bags being placed such that the leachate runoff could affect water quality?

☐ Yes ☒ No

Ag Bags contained dry corn, east of bunk silo

6. If 5 "Yes", is an appropriate leachate control system in place?

☐ Yes ☐ No N/A

Overall Rating:

VII. MONITORING AND REPORTING

1. Is a rain gage maintained onsite?

☒ Yes ☐ No

2. If "Yes", have all precipitation events in excess of 0.3 inch been measured and recorded?

☒ Yes ☐ No

3. Does the permittee retain copies of all records and reports for at least 5 years?

☒ Yes ☐ No

Note deficiencies found:

4. Are records of overflows from production areas, including the date and time and an estimate of the volume available and sufficient?

no overflows

☐ Yes ☐ No

N/A

FOR LARGE BEEF, DAIRY, VEAL CALF, SWINE, AND POULTRY CAFOS:

5. Have weekly inspections of all storm water devices, runoff diversion structures, animal waste storage structures, and devices channeling contaminated storm water to the wastewater and manure storage and containment structure been done and adequately recorded?

☐ Yes ☐ No

N/A

6. Are weekly records of the depth marker readings for manure and process wastewater in any open liquid storage structures available and sufficient?

☐ Yes ☐ No

N/A

7. Are records of precipitation exceeding 0.3 inch for a period of 24 hours prior to, during, and for 24 hours after land applications available?

☐ Yes ☐ No

N/A

Overall Rating:



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Facility Name: Willow Breeze Farm, LLC

SPDES: NYA000297

Date: 5/7/2014

VIII. WASTE STORAGE FACILITIES and MANURE TRANSFER

Complete Section VIII. for Each Waste Storage Facility (Use Multiple Sheets if Necessary)

Waste Storage Facility Name / Identifier: "L" Shaped Manure Pit

1. Are "As Builts" documentation of the installation Available and Signed by a PE or appropriate NRCS Employee? Don Lynch 12/10/2012 ☒ Yes ☐ No
2. Is there an Undesigned Storage Evaluation Certification Letter Signed by a PE or appropriate NRCS Employee (If yes attach copy to inspection report)? ☐ Yes ☐ No N/A
3. If Both 1 and 2 are "No", is it scheduled for an evaluation by a PE? ☐ Yes ☐ No N/A
4. What is the date of installation of the waste storage facility? 2012
5. What materials are stored? (e.g. manure, whey, leachate) Manure, sand bedding, milkhouse waste
6. Construction: ☐ Clay-Lined ☐ Plastic-Lined ☐ Unlined ☐ Steel ☒ Concrete ☐ Other
7. Capacity (gallons): 27,856 PE³
6. Approximate Dimensions (ex: side slopes, LxWxD) 164.5' x 79.1' x 23.6' x 91.05'
8. Approximate Storage Period: ~30 days
9. Has a permanent depth marker or recorder been installed at the design storage level?(NY313) ☒ Yes ☐ No
10. Is there evidence of the waste storage facility exceeding the design storage volume? ☐ Yes ☒ No
11. Is fencing in place surrounding the storage?(NY313) ☒ Yes ☐ No
12. Are outside embankments covered with properly maintained vegetation to control erosion?(NY313) ☒ Yes ☐ No
13. Are trees, rodent holes, cracks, seeps, etc. evident in the embankment area surrounding the wsf? ☐ Yes ☒ No
14. Does the storage have a written O&M plan and does it appear that it is being followed? ☒ Yes ☐ No
15. Describe any deficiencies and the various stages of implementation:
(ex: lack of records, poor maintenance, etc.)

Overall Rating:

If there are Associated Permanent or Semi-Permanent Pipelines: Not evaluated

18. Are they: ☐ Above Ground ☒ Below Ground
19. Are there stand pipes/valves/junctions at or near streams? ☐ Yes ☐ No
20. Do the valves appear to function properly? ☐ Yes ☐ No
21. Is there evidence of leakage in the pipeline(s), pumps, or valves?(NY634) ☐ Yes ☐ No
22. Are there anti-siphon devices in place? ☐ Yes ☐ No

Overall Rating:



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Facility Name: Willow Breeze Farm, LLC

SPDES: NY1A000297

Date: 5/7/2014

VIII. WASTE STORAGE FACILITIES and MANURE TRANSFER

Complete Section VIII. for Each Waste Storage Facility (Use Multiple Sheets If Necessary)

Waste Storage Facility Name / Identifier: Old Barn Manure Storage Pit

1. Are "As Builts" documentation of the installation Available and Signed

by a PE or appropriate NRCS Employee?

Don Lynch, 11/2006

☒ Yes ☐ No

2. Is there an Undesigned Storage Evaluation Certification Letter Signed

by a PE or appropriate NRCS Employee (If yes attach copy to inspection report)?

☐ Yes ☐ No N/A

3. If Both 1 and 2 are "No", is it scheduled for an evaluation by a PE?

☐ Yes ☐ No N/A

4. What is the date of installation of the waste storage facility? 2006

5. What materials are stored? (e.g. manure, whey, leachate)

Freestall Barn 2 manure and sand bedding

6. Construction:

☐ Clay-Lined

☐ Plastic-Lined

☐ Unlined

☐ Steel

☒ Concrete

☐ Other

7. Capacity (gallons): 4,091 ft³

6. Approximate Dimensions (ex: side slopes, LxWxD)

8. Approximate Storage Period: ~ 2 weeks

18' x 42' plus concrete ramp

9. Has a permanent depth marker or recorder been installed at the design storage level?(NY313)

☒ Yes ☐ No

10. Is there evidence of the waste storage facility exceeding the design storage volume?

☐ Yes ☒ No

11. Is fencing in place surrounding the storage?(NY313)

☒ Yes ☐ No

12. Are outside embankments covered with properly maintained vegetation to control erosion?(NY313)

☒ Yes ☐ No

13. Are trees, rodent holes, cracks, seeps, etc. evident in the embankment area surrounding the wsf?

☐ Yes ☒ No

14. Does the storage have a written O&M plan and does it appear that it is being followed?

☒ Yes ☐ No

15. Describe any deficiencies and the various stages of implementation:
(ex: lack of records, poor maintenance, etc.)

Overall Rating:

If there are Associated Permanent or Semi-Permanent Pipelines:

None

18. Are they:

☐ Above Ground

☐ Below Ground

19. Are there stand pipes/valves/junctions at or near streams?

☐ Yes ☐ No

20. Do the valves appear to function properly?

☐ Yes ☐ No

21. Is there evidence of leakage in the pipeline(s), pumps, or valves?(NY634)

☐ Yes ☐ No

22. Are there anti-siphon devices in place?

☐ Yes ☐ No

Overall Rating:



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Facility Name: Willow Breeze Farm, LLC

SPDES: NYA000297

Date: 5/7/2014

VIII. WASTE STORAGE FACILITIES and MANURE TRANSFER

Complete Section VIII. for Each Waste Storage Facility (Use Multiple Sheets If Necessary)

Waste Storage Facility Name / Identifier: New Barn Manure Pit

1. Are "As Builts" documentation of the installation Available and Signed
by a PE or appropriate NRCS Employee? Jessica Skinner, 7/2010 ☒ Yes ☐ No

2. Is there an Undesigned Storage Evaluation Certification Letter Signed
by a PE or appropriate NRCS Employee (If yes attach copy to inspection report)? ☐ Yes ☐ No N/A

3. If Both 1 and 2 are "No", is it scheduled for an evaluation by a PE? ☐ Yes ☐ No N/A

4. What is the date of installation of the waste storage facility? 2010

5. What materials are stored? (e.g. manure, whey, leachate) Freestall barn / manure and sand bedding

6. Construction: ☐ Clay-Lined ☐ Plastic-Lined ☐ Unlined ☐ Steel ☒ Concrete ☐ Other

7. Capacity (gallons): 48,470 gallons 6. Approximate Dimensions (ex: side slopes, LxWxD) 16' x 90' x 9'

8. Approximate Storage Period: ~ 1 week

9. Has a permanent depth marker or recorder been installed at the design storage level?(NY313) ☒ Yes ☐ No

10. Is there evidence of the waste storage facility exceeding the design storage volume? ☐ Yes ☒ No

11. Is fencing in place surrounding the storage?(NY313) ☒ Yes ☐ No

12. Are outside embankments covered with properly maintained vegetation to control erosion?(NY313) ☒ Yes ☐ No

13. Are trees, rodent holes, cracks, seeps, etc. evident in the embankment area surrounding the wsf? ☐ Yes ☒ No

14. Does the storage have a written O&M plan and does it appear that it is being followed? ☒ Yes ☐ No

15. Describe any deficiencies and the various stages of implementation:
(ex: lack of records, poor maintenance, etc.)

Overall Rating:

If there are Associated Permanent or Semi-Permanent Pipelines: None

18. Are they: ☐ Above Ground ☐ Below Ground

19. Are there stand pipes/valves/junctions at or near streams? ☐ Yes ☐ No

20. Do the valves appear to function properly? ☐ Yes ☐ No

21. Is there evidence of leakage in the pipeline(s), pumps, or valves?(NY634) ☐ Yes ☐ No

22. Are there anti-siphon devices in place? ☐ Yes ☐ No

Overall Rating:



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SPDES: NY1A000297

Date: 5/7/2014

If there are Associated Tanks/Reception Pits/Hoppers:

22. Have tanks/reception pits/hoppers been sized to contain less than 7 full days' manure production?

☒ Yes ☐ No

23. Is there evidence of leakage in any tanks/reception pits/hoppers?(NY634)

☐ Yes ☒ No

Overall Rating:

IX. WASTEWATER TREATMENT STRIPS

Complete Section IX. for Each Wastewater Treatment Strip (Use Multiple Sheets If Necessary)

Wastewater Treatment Strip Name / Identifier: Vegetated Treatment Area (VTA)

Wastewater Source: (ex: bunk silo #4) Bunk Silo

1. Was the treatment strip designed by a Technical Service Provider or NRCS employee with appropriate job approval authority?

5/2005 by SWCO + NRCS

☒ Yes ☐ No

2. Does the treatment strip finished grade appear not less than 2% and not more than 12%?(NY635)

☒ Yes ☐ No

3. Does the treatment strip lower edge appear to be a minimum of 25 feet from surface waters of the State and the entire strip 100 feet from a well?(NY635)

☒ Yes ☐ No

4. Is there evidence of pollution beyond the filter area?

☐ Yes ☒ No

5. Are excess solids problematic in the filter area?

☐ Yes ☒ No

6. Do all discharges to the treatment strip appear to be uniformly distributed over a level cross-section?(NY635)

Pooling liquids and dead vegetation

☐ Yes ☒ No

7. Is permanent grass-based vegetation present on a uniformly graded strip?(NY635)

☐ Yes ☒ No

8. Are all concentrated wastewaters (low flows) being diverted away from the treatment strip?(NY635)

(i.e. treatment strips should be designed and utilized for the treatment of contaminated runoff from feedlots, barnyards, livestock holding areas, milking center effluents and high flow dilute silage leachate only)

☒ Yes ☐ No

9. Is a kill zone evident in the treatment strip?(NY635)

dead vegetation

☒ Yes ☐ No

10. Should further source control be utilized to reduce the volume, frequency, and concentrations of pollutants entering the treatment strip? (Including diversion of clean water up to the peak discharge from a 25yr/24hr storm)

☐ Yes ☒ No

11. Is the treatment strip mowed and harvested periodically?(NY635)

☒ Yes ☐ No

12. Does the treatment strip have a written O&M plan and does it appear that it is being followed?

☐ Yes ☒ No

Overall Rating:



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
CAFO FACILITY INSPECTION REPORT
Version 1.0 - 3/15/06

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INSPECTOR FOR THE PERMITTEE

Facility Name: Willow Breeze, LLC

SPDES: NYA000297

Date: 5/7/2014

X. PERMITTEE ACTION(S) REQUIRED / COMMENTS

☐ None noted

☐ Actions required as follows:

See Inspection Report

ADDITIONAL COMMENTS

Items the facility has accomplished:

Significant observed environmental concerns/risks:

THIS REPORT IS ONLY RELEVANT TO THE ITEMS INSPECTED AND CHECKED